

color of state law. Touchston v. McDermott, 234 F.3d 1133, 1137 (11th Cir. 2000). 42 U.S.C. § 1983 provides a remedy for violations of a person's constitutional rights by a defendant who acts under color of state law, *i.e.*, a "state actor." A successful section 1983 action requires a showing that the conduct complained of was committed by a person acting under color of state law. Harvey v. Harvey, 949 F.2d 1127, 1130 (11th Cir. 1992). Plaintiff has failed to show that Defendant was a state actor at the time of the alleged incidences.

Plaintiff has made no showing of an alleged violation of his constitutional rights. It is my **RECOMMENDATION** that Plaintiff's Complaint be **DISMISSED** for failure to state a claim for relief under 42 U.S.C. § 1983. Plaintiff's application to proceed *in forma pauperis* is **DENIED**.

So **ORDERED** and **REPORTED** and **RECOMMENDED**, this 10th day of November, 2014.


JAMES E. GRAHAM
UNITED STATES MAGISTRATE JUDGE